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1950

**File No.** Money Lend[illegible]

Legal Depart[illegible]

B BRANCH

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**Subject:—**

Rules under the Bombay Money Lenders Act, 1946

P.S. 5/12

**File No.** Money Lenders II/50 (R)

Gen. 194 a.

79-B

Legal Department.

In place of the draft notification at p.35 ante, a revised draft notification is sent herewith.

2. To enable Government to issue instructions to the Registrar General and the Registrars as regards the cases in which the exemption may be granted the words "subject to the general or special order of the State Government" have been inserted in the proposed amendment.

Id/-J.R.D. 12/4
Additional Secretary to Government.

U.R. to D.D.No. 4991 dated the 12th April 1950.

BKS. 7/7

Legal Department.

In place of the draft at pages 21 to 25 ante, a revised draft notification is sent herewith.

2. As the form of the pass book will be useful for the purposes of section 18 as well as section 19, instead of amending rule 10 a new rule ~~ix~~ 11B is proposed in the revised draft.

Id/-J.R.D. 14/4
Additional Secretary to Government.

U.R. to D.D.,No. 5140 , dated the 15th April 1950.

BKS. 9/7.

Legal Department.

It will be open to Government to make a rule under the Bombay Money-lenders Act, 1946, providing for the grant of duplicate licenses to replace licences lost, destroyed or mutilated.

Id/-J.R.D. 20/5
Additional Secretary to Government.

U.R. to D.D. No. 6920, dated the 22nd May 1950.

BKS. 9/7

Legal Department.

A revised draft notification is sent herewith.

2. It appears from these papers that the proposal to amend rule 4(2) of the Bombay Money Lenders Rules, 1947, is due to the difficulty pointed out by the Registrar General of Money Lenders in his letter of 7th July 1948, at P. 1 ante. To meet the difficulty pointed out by the Registrar General, it is not necessary to confine the making of applications for any renewal of licences to the month of July. It may be possible in some cases to make such applications even earlier. Sub-rule (2) of rule 4 has, therefore, been amended so as to provide for themaking of applications for renewal of licences in the month of July immediately precoding the year for which the licence is to be renewed, or in any other month preceding such year.

Id/-J.R.D 13/6
Additional Secretary to Government.

U.R. to D.D., No. 8009, dated the 14th June 1950.

BKS. 9/7

Legal Department.

A revised draft notification is sent herewith.

2. D.D. draft rule 15 prescribes a form of summons to be issued to a witness (Form 12A). That Form prescribes that if the witness fails to comply with the order toappear in person and produce documents he will be subject to the consequences of non-attendance laid down in rule 12 of Order XVI of the Code of Civil Procedure. Rule 12 however refers back to rules 10 and 11 which contain the necessary safeguards before subjecting the witness to the drastic penalties imposed by rule 12. It does not appear appropriate to follow in this case the procedure laid down in rules 10 to 12 with all the drastic consequences provided for in those rules. D.D. should consider if a simple penalty of fine will not meet the necessities of the case.

Id/-J.R.D. 12/9

Additional Secretary to Government.

U.R. to D.D. No. 13097 ,dated the 13th September 1950.

BKB. 9/7

Legal Department.

Clause (ee) of sub-section (2) of section 39 of the Bombay Money-lenders Act, 1946, empowers Government to make rules prescribing the rates at which fees may be recovered under section 19A. Under sub-section (1) of section 19A fees can be recovered from the debtor only for the statements supplied to him under section 19(2) or 19(1) or for copies fm of such statements supplied to the Assistant Registrar. There is no authority under the Act to recover fees from the debtor for supply of pass book to him. A provision as suggested by the Registrar General for prescribing a separate fee for issue of pass books to debtors cannot, therefore, be made in the Rules.

Id/-J.R.D. 8/11
Additional Secretary to Government.

U.R. to D.D. No. 15709 dated the 11th November 1950.

BKS. 9/7